

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-60450-CIV-SMITH

MARCELIN LIBERAL, *individually, and on  
behalf of all others similarly situated*

Plaintiff,

v.

HEALTHCARE REVENUE RECOVERY  
GROUP, LLC, and MEMORIAL  
REGIONAL HOSPITAL SOUTH  
AUXILIARY, INC.,

Defendant.

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**ORDER OF REFERRAL TO MEDIATION**

Trial having been set in this matter under separate order of the Court, and pursuant to Federal Rule of Civil Procedure 16(c)(2)(I) and Southern District Local Rule 16.2, it is hereby

**ORDERED** as follows:

1. All parties must participate in mediation by **March 10, 2023**.
2. Plaintiff's counsel, or another attorney agreed upon by all counsel of record and any unrepresented parties, shall be responsible for scheduling the mediation conference.
3. By **June 13, 2022**, the parties shall file a Notice of Scheduling Mediation, setting out the name of the mediator and the date, time, and place for the mediation. The mediation date may **not** be extended without prior court approval. If at any time the mediation date is rescheduled, the parties **must** file a new Notice of Scheduling Mediation.
4. Except as provided under Local Rule 16.2(e) for public-sector entities, the appearance of counsel and each party or representatives of each party with full authority to enter into a full

and complete compromise and settlement is mandatory. Appearance shall be in person; telephonic or videoconference appearance is prohibited.<sup>1</sup> If insurance is involved, an adjustor with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

5. The Court may impose sanctions against parties and/or counsel if mediation is not conducted or for failure to comply with any other requirement or term of this Order.

6. If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule 16.2(f), by the filing of a notice of settlement signed by counsel of record within fourteen (14) days of the mediation conference. Thereafter the parties shall submit appropriate papers concluding the case. The case will remain on the trial calendar until an order dismissing the action is entered by the Court.

7. Within **seven (7) days** following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse. **It shall be the responsibility of the parties to ensure that the mediator timely files the mediation report.**

**DONE AND ORDERED** in Fort Lauderdale, Florida, this 25th day of May, 2022.



RODNEY SMITH  
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record

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<sup>1</sup> While the Court permitted such appearances due to the COVID-19 pandemic, the rates of infection have dropped dramatically in recent months. Thus, telephonic or videoconference appearances are no longer permitted without leave of Court.